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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,024

12/22/2005

Rudiger Briesewitz

AP 10724

3523

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CONTINENTAL TEVES, INC.
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EXAMINER

RASHID, MAHBUBUR

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

12/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,024	Applicant(s) BRISEWITZ ET AL.	
	Examiner MAHBUBUR RASHID	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) were submitted on 12/22/2005. Accordingly, the examiner has considered the information disclosure statement, see attached 1449.

Claim Objections

Claim 13 is objected to because of the following informalities: In line 2, "step" should be - steps -. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: In line 3, "a cover" should be – the cover -. Appropriate correction is required.

Claim 19 is objected to because of the following informalities: In line 2, "a cover" should be – the cover -. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 20 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, the phrase "adapted to" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 18, the phrase "adapted to" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 20 recites the limitation "the essentially bowl-shaped cover" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 22, "a deep-drawn part" in line 2, is not clear. Appropriate correction is required.

Claim 23 recites the limitation "the working stroke area" in line 2. There is insufficient antecedent basis for this limitation in the claim.

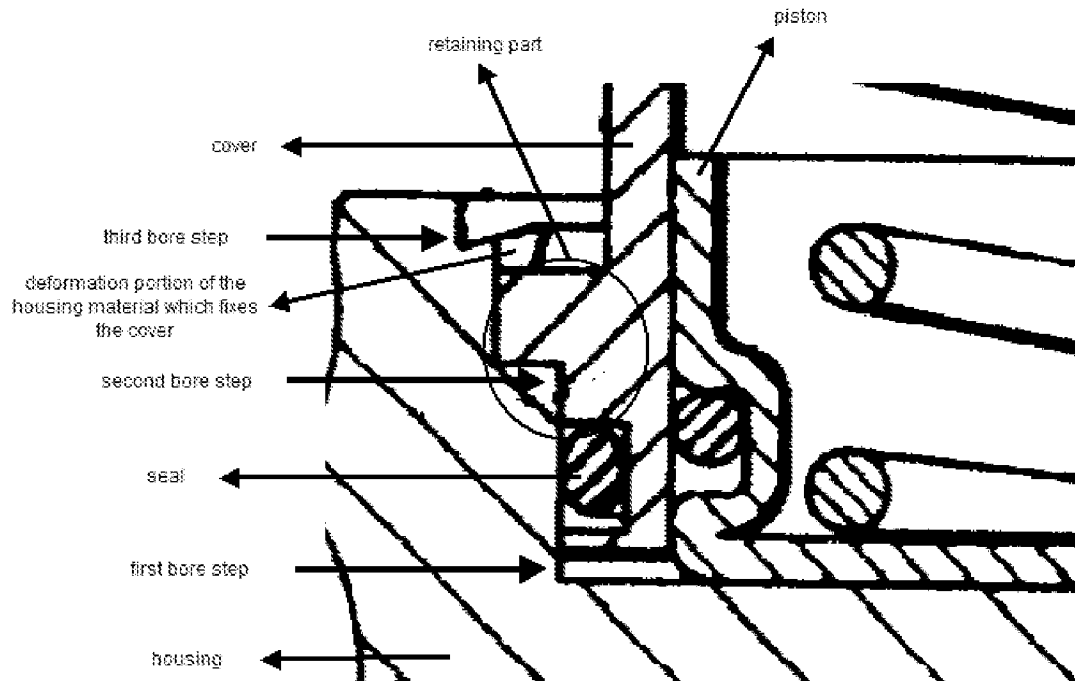
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-16 and 19-23 are rejected under 35 U.S.C. 102 (b) as being anticipated by Dinkel et al. (US 6,398,315 B1).



Regarding **claim 12**, Dinkel discloses a piston-type accumulator (fig. 7), with an axially movable piston (26) in a housing bore (1), with a seal (27) interposed between the piston (26) and the housing bore (1) and being fixed inside the housing bore (1), and with a cover (25) closing the end of the housing bore (1) which is designed as a stepped bore enlarged in diameter in which the seal (27) is fixed (see figure above).

Re-claim 13, see first and second bore steps, wherein the diameter of the first bore step corresponds to the inside diameter of the housing bore (1), while the inside

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diameter of the second bore step is adapted to the outside diameter of the seal (see figure above).

Re-claim 14, see a third bore step which is formed by a plastic deformation of the housing material which fixes the cover at the stepped bore (see figure above).

Re-claims 15-16, see a retaining part ((28); see also the figure above) bears directly against the second bore step and wherein the seal (27) is covered by the retaining part.

Re-claim 19, see the retaining part (28) is formed directly by the edge of the cover (25).

Re-claim 20, see the edge (28) of the cover (25) is bent off at right angles in an outward direction in order to provide the contour of an annular washer and is covered outside by the third bore step (see figure above).

Re-claim 21, see the inside diameter of the cover (25) in the area of the edge having a minimum clearance with regard to the outside diameter of the piston (26).

Re-claim 22, see the bowl shaped cover (25).

Re-claim 23, see the portion of the inside diameter of the piston (26) which is expanded like a funnel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinkel et al. (US 6,398,315 B1) in view of Sinnl (US 6,024,421).

Regarding **claim 17-18**, Dinkel discloses a retaining part (28) that is formed directly by the edge of the cover (25), but fails to disclose the retaining part as an annular washer as claimed and also disclosed in an alternative embodiment of the present invention. However, Sinnl discloses an accumulator including an annular washer/a retaining part (fig. 1, (18)) that is pressed by a cover (21) against the seal (17) and also the inside diameter of the retaining part bears against the outside diameter of the piston (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such retaining part as taught by Sinnl in place of the retaining part of Dinkel is an engineering design choice while annular washer is easily available and cheap to manufacture.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R./
Examiner, Art Unit 3657

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3657